

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

JOAN TRUMAN SMITH

**CIVIL ACTION NO:
CV 02 3029 (JBW)**

V.

Honorable Jack B. Weinstein

BRYCO ARMS, Inc., et al.

AFFIDAVIT OF TONY ACOSTA

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE) **SS:**

Before me, the undersigned authority, personally appeared Tony Acosta, who is known to me, and who after being duly sworn deposes and says:

I, TONY ACOSTA, being over eighteen (18) years of age and competent to testify as a witness and having personal knowledge of the facts set forth below do herein make oath in due form as follows:

1. I am the office manager of Bryco Arms, Inc. ("Bryco").
2. On June 28, 2002, a private process server attempted to serve the summonses and complaints for Bryco and RKB Investments ("RKB") at the office of Bryco located in Costa Mesa, California by personally serving me at the office of Bryco. I specifically informed the private process server that I was not authorized to accept the summons for RKB. Despite this remark, the process server left the suit papers anyway.
3. As the office manager of Bryco, I am authorized to accept summonses and service of process on behalf of Bryco. I am not, however, authorized to accept service of process or summonses on behalf of RKB.

4. I have never been employed by RKB as an officer, director, manager or employee and have never been authorized by appointment or by law to receive service of process or summonses for RKB.

I declare under the penalty of perjury under the laws of the State of California that the contents of the foregoing affidavit are true and correct to the best of my knowledge.

Dated: 07/15/02

Tony Acosta
Tony Acosta
Office Manager, Bryco Arms, Inc.

Sworn to me this
15th day of July, 2002. ← Date: _____

Larenda Johnson
Notary Public



My commission expires on: JAN. 22, 2005

(B0275968.WPD;1)